

Response to a Final Office Action

Application No. 10/667,809

This communication is a response to a final Office Action having a mailing date of 07/20/2006 and setting forth a shortened statutory period for response of three months which would expire on 10/20/2006.

In response to the examiner's action the applicant has prepared a proper affidavit to swear back behind the cited reference to Zonca. It is believed that the affidavit is sufficient to overcome the examiner's objections to the attempted declaration in the response to a first office action of 05/12/06.

In the Final Rejection noted above the examiner again rejects:

Claims 12 and 13 under 35 U.S.C. 102(e) being unpatentable over Zonca.

Claims 14 and 15 under 35 U.S.C. 103(a) as being unpatentable over Zonca in view of Lalonde.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zonca in view of Lalonde and further in view of Asenbauer.

Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as unpatentable over Fan in view of Zonca.

Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as unpatentable over Fan in view of Zonca and further in view of Lalonde.

All of the above rejections include the reference to Zonca. It is believed that the affidavit submitted in this communication is proper under 37 CFR 1.131 and should be sufficient to remove the reference to Zonca as prior art.

In view of all of the above the examiner is respectfully requested to reconsider the rejections made and pass this application to an early indication of allowance.

A normal follow-up on an amendment after final in the PTO would be to issue an "an Advisory Action". Any of the check marks in the advisory action are not appropriate in this case. The Declaration under 37CFR 1.131 was earlier presented, however it

was not in proper form and should be considered now.

If any outstanding issues remain, the examiner is respectfully requested to call the undersigned on Tel. No. (239) 592-5843.



Werner H. Schroeder

Reg. No. 36,387

Date: 08/02/06